

## Message Text

SECRET

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42

ACTION L-03

INFO OCT-01 EA-07 ISO-00 PM-04 NSC-05 SP-02 SS-15 INR-07

CIAE-00 SSO-00 NSCE-00 INRE-00 H-02 /046 W

----- 075072

O 211231Z JAN 76

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC IMMEDIATE 7111

INFO CINCPAC HONOLULU HI IMMEDIATE

CINCPACAF HONOLULU HI IMMEDIATE

COMUSMACHTHAI IHMEDATE

DIRNSA IMMEDIATE

DOD WASHDC

S E C R E T BANGKOK 1360

CINCPAC ALSO FOR POLAD - PASS ASS'T SECY HABIB AND AMB.  
WHITEHOUSE

E.O. 11652: GDS

TAGS: PFOR, MARR, TH, US

SUBJ: TURNOVER OF INSTALLATIONS AND STATUE OF RESIDUAL US  
FORCES

REF: A) BANGKOK 0732; B) BANGKOK 0004, C) 75 BANGKOK 27049;  
D) 75 BANGKOK 26892; E) BANGKOK 0826 F) 75 BANGKOK 19598;  
G) STATE 012728 (DTG 171814Z JAN 76)

1. WHILE WE CAN SEE THE TACTICAL NEGOTIATION ADVANTAGE IN TYING  
TOGETHER THE TURNOVER, THE STATUS OF THE US RESIDUAL FORCES AND  
AGREEMENT TO OUR RESIDUAL ACTIVITIES, WE DO NOT BELIEVE SUCH AN  
APPROACH CAN BE RECONCILED WITH CURRENT THAI POLITICAL  
REALITIES. THE THAI REQUEST FOR AN EXCHANGE OF NOTES EFFECTING  
TURNOVER IS MOTIVATED BY THEIR PERCEIVED NEED TO SHOW THE  
WITHDRAWAL OF THE CONSPICUOUS AMERICAN MILITARY PRESENCE BY  
20 MARCH.

2. THE THAI HAVE SAID THIS IN EXPLICIT TERMS. ONLY TODAY,  
CHATCHAI HAD HIS PRIVATE SECRETARY PHONE US TO REMIND US THAT  
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WE HAVE NOT YET DELIVEREE THE REQUESTED NOTE, AND TO ASK THAT

IT BE PRODUCED IN TIME FOR A MEETING THE CHARGE IS HAVING WITH CHATCHAI ON OTHER MATTERS ON THURSDAY, JANUARY 22. THAI BELIEVE THE FACADE OF A TURNOVER CEREMONY PREMISED ON AN EXCHANGE OF NOTES WILL PROVIDE SOME AMMUNITION TO RESPOND TO BOTH THOSE INTERNAL AND EXTERNAL CRITICS WHO ARE CLAIMING THE WITHDRAWAL IS MERELY A SUBTERFUGE. AFTER THE TURNOVER, THE THAI COULD PLAUSIBLY SAY THAT THESE INSTALLATIONS ARE THAI AND THAT ANY US PERSONNEL REMAINING ARE MERELY ASSISTING THE OPERATIONS.

3. ANY DELAY IN GOING THROUGH THIS INITIAL EXCHANGE OF NOTES WILL ADVERSELY AFFECT THE WHOLE NEGOTIATING CLIMATE CONCERNING REMAINING CONCESSIONS WE WANT SINCE THE THAI WOULD VIEW SUCH A DELAY AS BEING CONSISTENT WITH THE SUBSTANCE OF THOSE CRITICISMS. WE URGE SEPARATING THE TURNOVER FROM THE REST OF THE NEGOTIATIONS. THE TURNOVER, AS EXPRESSED IN THE TERMS OF OUR PROPOSED NOTE, DOES NOT DEPRIVE US OF ANYTHING BUT COULD FACILITATE THE REST OF THE NEGOTIATIONS. INDEED, OUR PROPOSED NOTE WAS CAREFULLY DRAFTED TO PRESERVE THE BROAD AND OPEN-ENDED LANGUAGE OF THE EXISTING AGREEMENTS, BY KEEPING THEIR PROVISIONS IN FORCE UNTIL NEW AGREEMENTS ARE NEGOTIATED. WE BELIEVE THIS IS THE MOST WE CAN ACHIEVE UNDER PRESENT CIRCUMSTANCES. WASHINGTON WILL, OF COURSE, BE THE BEST JUDGE, BUT WE WOULD HOPE OUR LIMITED NOTE COULD GO THROUGH WITHOUT DELAY REQUIRED BY CIRCULAR 175 AUTHORITY.

4. WE DOUBT THAT THE THAI ARE LIKELY TO ACCEPT MERELY BLANKETING THE ENTIRE US RESIDUAL FORCE UNDER THE 1950 MAA AGREEMENT, ALTHOUGH THAT WILL BE OUR OPENING POSITION AND WE WILL PUSH IT HARD. THEIR CONVERSATIONS TO DATE HAVE INDICATED THEIR CONCERN OVER SUCH THINGS AS CRIMINAL JURISDICTION AND THE APPLICABILITY OF THEIR LABOR LAW. IN FACT, WE HAVE JUST COME INTO POSSESSION OF A JANUARY 7, 1976 LETTER FROM THE MINISTRY OF FOREIGN AFFAIRS TO THE CHIEF OF STAFF SUPREME COMMAND HEADQUARTERS (FORWARD) IN WHICH THE POSITION EXPRESSED IN THE AIDE MEMOIRE REGARDING THE UDORN BARTENDERS' CASE (REF F) IS REAFFIRMED. THE THAI HAVE BEEN UNHAPPY OVER THE NUMBER OF US MILITARY PERSONNEL ENJOYING DIPLOMATIC IMMUNITY AS WELL AS OUR OFTEN EXPRESSED DESIRE TO RUN OUR OWN OPERATIONS WITHOUT INTERFERENCE. AVOIDING OR DELAYING NEGOTIATIONS ON  
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THOSE MATTERS DOES NOT APPEAR TO US TO BE IN OUR OWN INTERESTS.

5. DESPITE WORAPHUT'S SANGUINE FORECAST, MOREOVER (REF E), WE THINK SOME ASPECTS OF THE CONTINUING PRESENCE OF US FORCES ARE LIKELY TO BE LIVE ISSUES IN THE FORTHCOMING ELECTION CAMPAIGN. THIS WILL FURTHER ROIL THE NEGOTIATING WATERS AND MAKE IT DIFFICULT FOR THE CARETAKER GOVERNMENT TO MAKE ANY CONCESSIONS.

6. REALISTICALLY, WE EXPECT NEGOTIATITN OF OUR RESIDUAL FORCE STATUS AND OPERATIONS TO TAKE SOME TIME. THIS WILL BE SO EVEN IF WE ARE ABLE TO FINESSE THE SPELLING OUT OF SPECIFIC PRIVILEGES AND IMMUNITIES AS CONTEMPLATED IN PARAS 1 AND 2, REF G. AS DISCUSSED IN PARA 4, ABOVE, WE DOUBT THAT THIS WILL BE POSSIBLE, BUT WE WILL MAKE EVERY EFFORT TO WORK IT OUT. WE DO NOT, HOWEVER, BELIEVE THAT OUR EFFORTS IN THIS DIRECTION, OR THE APPROACH WE ADOPT, WILL BE PREJUDICED BY PROMPT DELIVERY OF A TURNOVER NOTE OF THE KIND REQUESTED BY THE RTG.

7. ACTION REQUESTED: IN ORDER TO KEEP THE NEGOTIATITNS GOING UNDER OPTIMUM CONDITIONS, REQUEST WE BE AUTHORIZED TO DELIVER NOTE CONTAINING TEXT REF C SOONEST.  
MASTERS

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NNN

## Message Attributes

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**Channel Indicators:** n/a  
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